



Minnesota Pollution Control Agency

National Pollutant Discharge Elimination System/State Disposal System

MN0020401

Permittee: City of Redwood Falls
Facility name: Redwood Falls WWTP
Receiving water: Minnesota River - Class 2B, 3B, 3C, 4A, 4B, 5, 6 water; Minnesota River - Class 2B, 3C, 4A, 4B, 5, 6 water
Township: Honner **County:** Redwood
Issuance date: January 24, 2014
Expiration date: December 31, 2018
Modification date: June 1, 2017; April 1, 2017

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and to discharge from this facility to the receiving water named above, in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

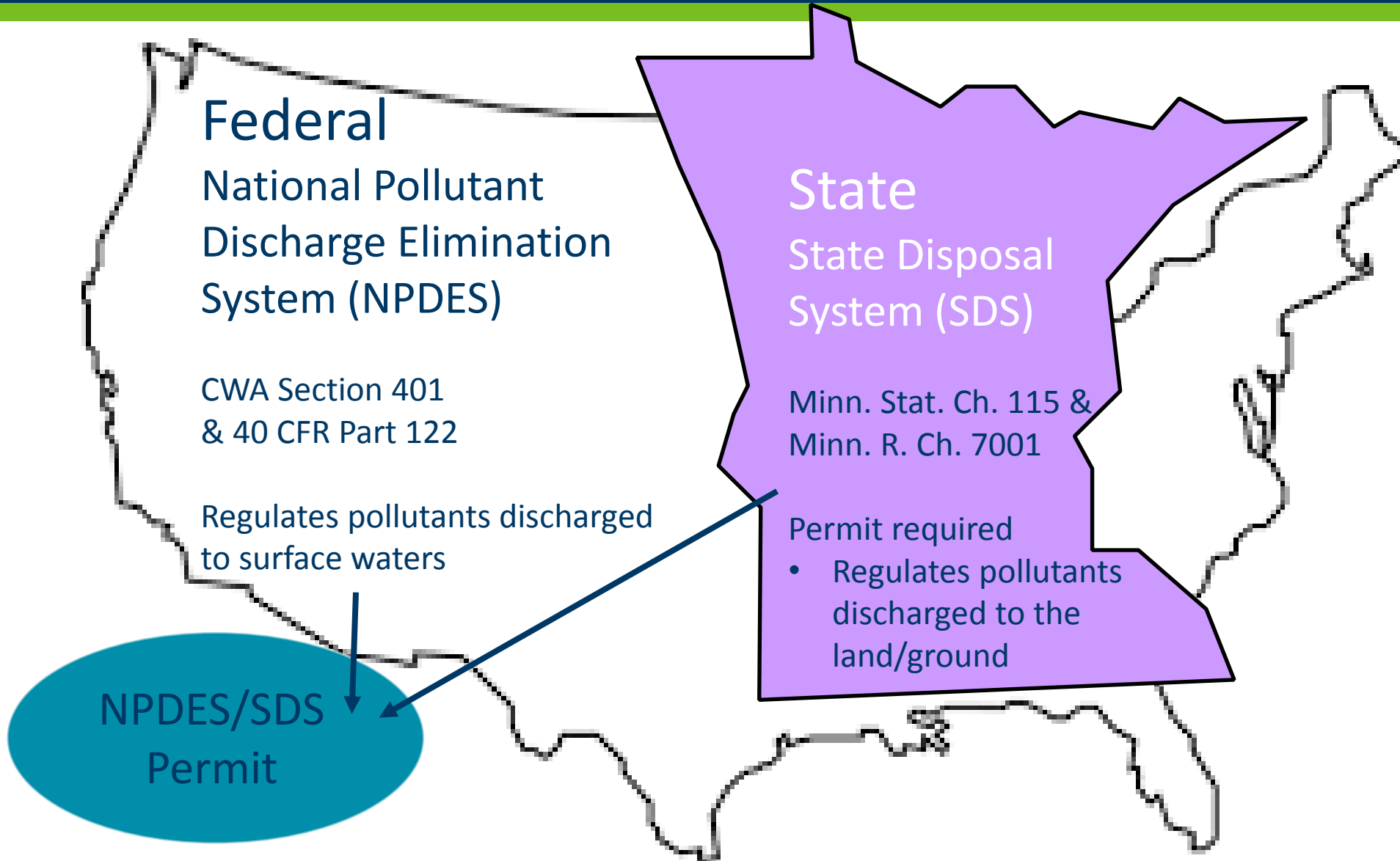
This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

How the MPCA develops wastewater discharge permits

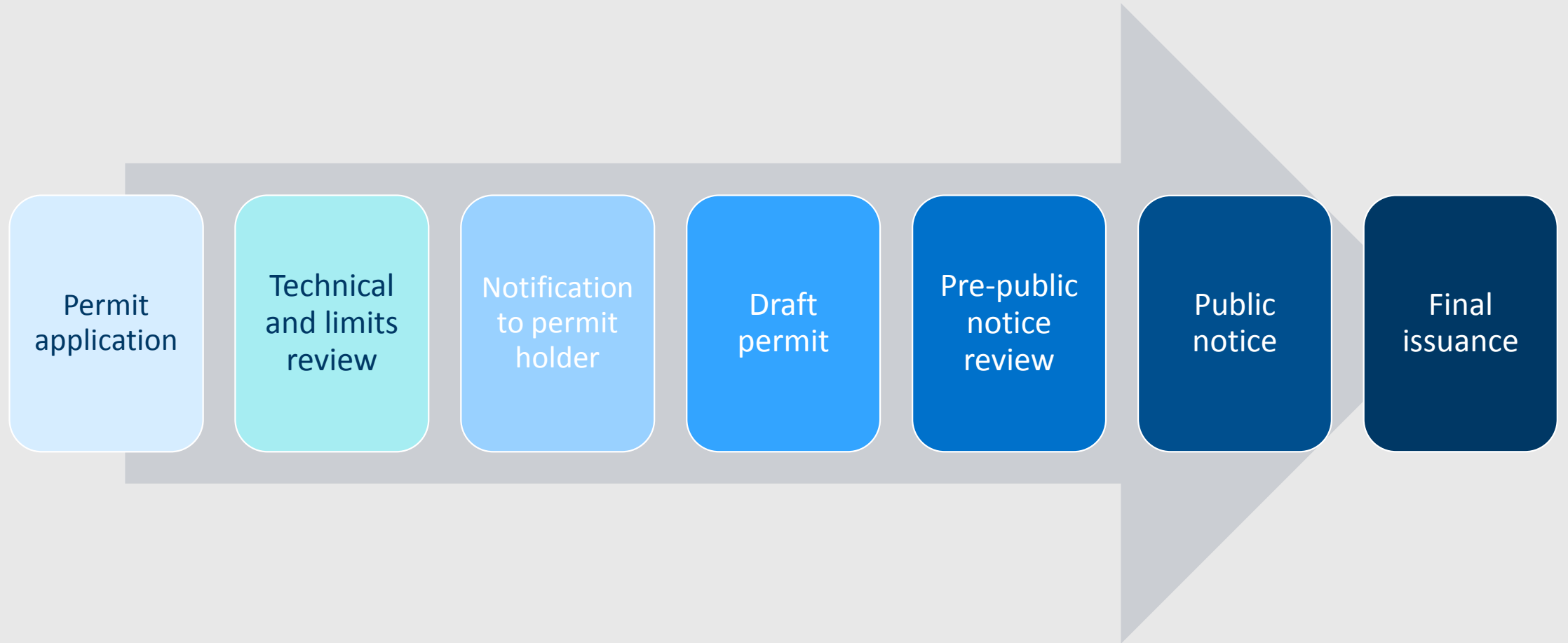
Nicole Blasing

Supervisor of Municipal Wastewater Permits

What is a permit?



How does the MPCA write a permit?

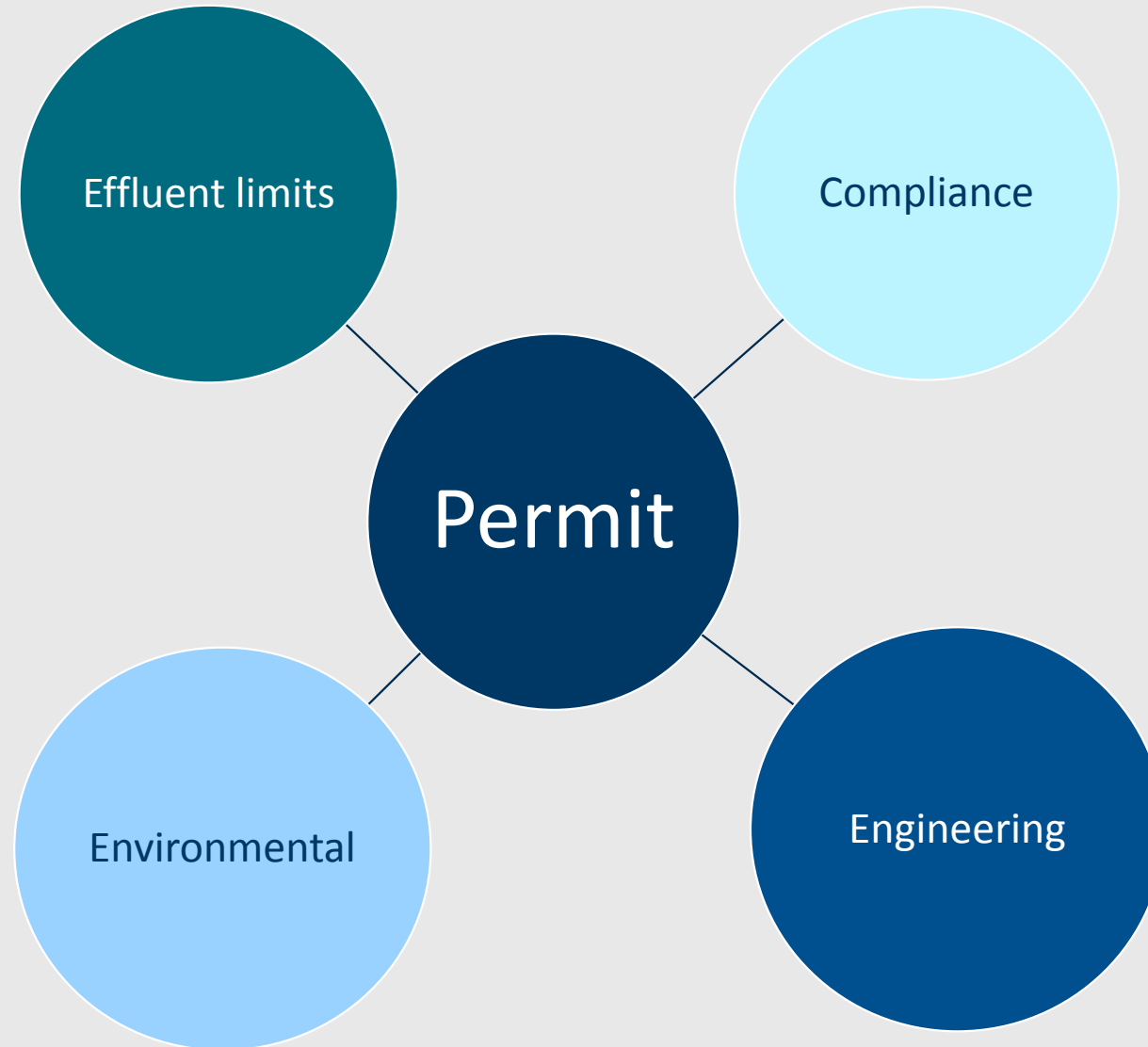


Community applies for permit



- Municipality applies for permit
- Starts the process
- Application required for all permit actions
 - Reissuance
 - Modifications to facility

How does the MPCA review applications?



MPCA notifies permit holder

- MPCA notifies permit holder of any new limit
- Provides supporting information
- Offers to meet in person
- MPCA works with community to determine the best way to comply

Must compliance be immediate?

Immediate compliance isn't always an option – time and flexibility are important

MPCA uses various options to achieve compliance:

- Compliance schedule (40 CFR 122.47 & Minn. R. 7001.0150)
- Water quality variance (40 CFR 131 & Minn. Rule 7000.7000 & 7050.0190)
- Trading – Point and Non-point source (Minn. Stat. 115.03, Subd. 10)

How do compliance schedules work?

Regulations allow schedules to be established to give time to meet new permit requirements

Compliance schedules must:

- Include interim actions – not to exceed 1 year
- Lead to compliance with the final effluent limit
 - Final effective date must be included in permit
- Include a timeframe that is “as soon as possible”
 - Schedule can exceed 5 years

How do compliance schedules work?

What does “as soon as possible” mean?

- Consider the steps that need to be completed
- The time needed to complete each step
- The steps and timeframes will be unique to each situation
- Schedules range from 1 - 20 years

When is a compliance schedule appropriate?

- Compliance can be achieved
- Time is needed

How do variances work?

Temporary modification to the water quality-based effluent limit (WQBEL)

Must demonstrate that meeting the WQBEL is not feasible due to conditions established in Minn. R. 7050.0190

- Most relevant condition: “...would result in substantial and widespread economic and social impact”

How do variances work?

Permit conditions

- Alternative/interim limit
- Schedule of variance activities
- Pollutant minimization plan

Term of variance

- Timeframe dependent on final approved variance
- Lake Superior Basin (Minn. R. 7052.0280) – 5 years

EPA - final approval of variance

Example of variance - bacteria

Western Lake Sanitary Sewer District WWTP

- Fecal coliform – Year round disinfection requirement
 - Interim/attainable limit
 - No limit November – March
 - Additional monitoring & intervention limits in surface water
 - Final limit
 - 200 organisms/100 milliliters
 - January - December

Example of variance - mercury

Western Lake Sanitary Sewer District WWTP

- Mercury
 - Interim/attainable limits
 - 7.4 ng/L Daily Maximum
 - 5.8 ng/L Monthly Average
 - Final WQBEL
 - 3.2 ng/L Daily Maximum
 - 1.8 ng/L Monthly Average



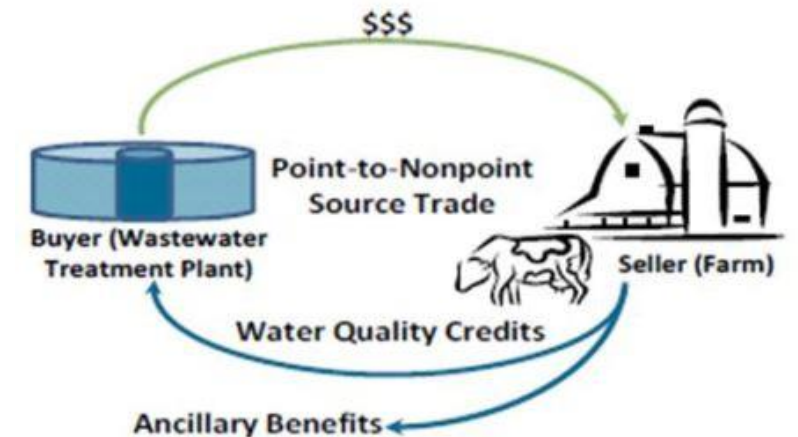
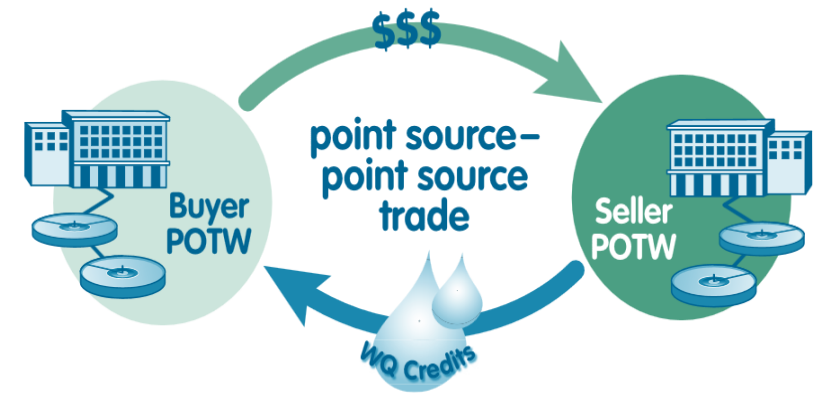
How does water quality trading work?

Market-based approach

May achieve compliance at a lower cost

Current trading permits:

- 3 point-nonpoint trading permits
- 1 point-point pre-TMDL trading permits
- Minnesota River basin – 110 trades since 2008
- Met Council phosphorus permit – 5 facilities



Example of point-to-point trading

Redwood Falls WWTP buys credits
from New Ulm WWTP

1:1 trade ratio

Offsets discharge to Minnesota River

Designed to help reduce phosphorus –
and resulting algae – in Lake Pepin
downstream

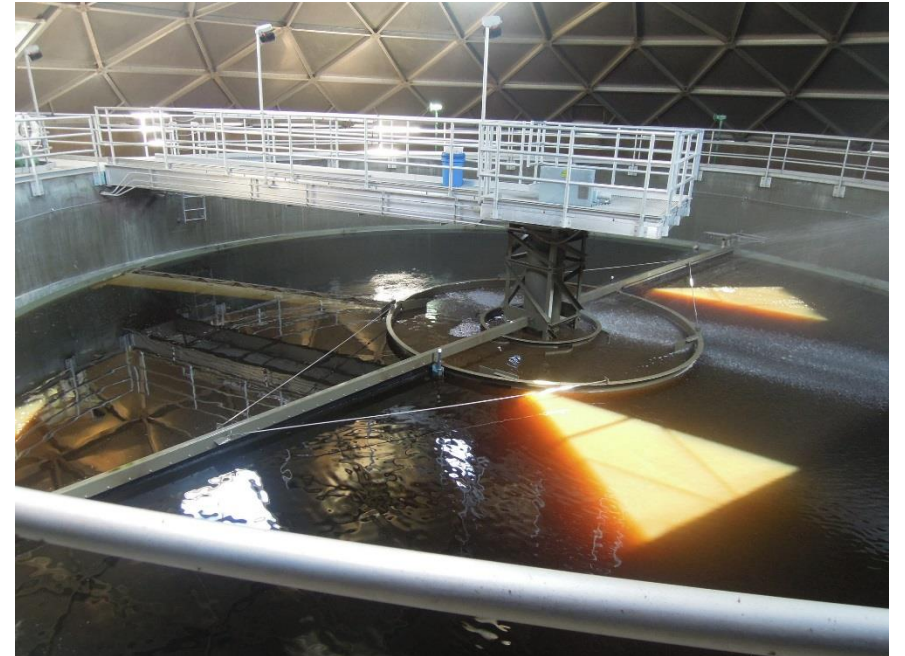


How is permit put together?

MPCA completes technical reviews

Agency and permit holder have determined path to compliance

MPCA permit writer puts pieces together into draft permit with supporting documents



Who reviews permit before public notice?

Permit holder

- Opportunity to comment and address issues before public notice
- 30 days for publicly-owned plants
- 7 - 30 days for non-publicly-owned plants

EPA

- Requirement of delegating permit authority to MPCA

How does public notice work?

Notice period

- 60 days for publicly-owned plants
- 30 days for non-publicly-owned plants

Distribution

- Posted on MPCA's website
- Mailed to permit holder and any interested parties
- Emailed to subscriber lists
- Mailed to local newspaper and post office



Minnesota Pollution
Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Public Notice of Intent to

Reissue
Wastewater
MN0020761

General information

Public comment period begins: August 18, 2016

Public comment period ends: 4:30 p.m. on September 15, 2016

Current permit issued (if applicable): January 17, 2008

Current permit expiration date (if applicable): December 31, 2012

Name and address of Permittee:

City of Little Falls
900 Hilton Road
Little Falls, Minnesota 56345

PO Box 244
Little Falls, Minnesota 56345-0244

Facility name and location:

Little Falls WWTF
900 Hilton Road
Little Falls, MN 56345
NE ¼, Section 18, T40N, R32W

MPCA contact person:

Robin Novotny
Municipal Division
Minnesota Pollution Control Agency
7878 College Road, Suite 105
Phone: 218-316-3851
Email: robin.novotny@state.mn.us

File manager phone: 851-757-2728 or
1-844-828-0942

A draft permit and factsheet are available for review on the Minnesota Pollution Control Agency (MPCA) Public Notices webpage at <http://www.pcs.state.mn.us/publicnotices> or at the MPCA office address listed under the MPCA contact person. The MPCA will mail or email a copy of the draft permit upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

Watershed: Mississippi River - Brainerd

Receiving water: Mississippi River (Class 1C, 2Bd, 3C, 4A, 4B, 5, 6 Water)

How can the public participate?

Written comments

- Action to be taken
- Reason supporting position

Request public meeting

- Reason to hold a meeting
- Issues to address

Request contested case hearing

- Formal hearing before administrative law judge
- Issues to be addressed
- Relief requested
- Reason supporting decision to hold hearing



Final permit issued



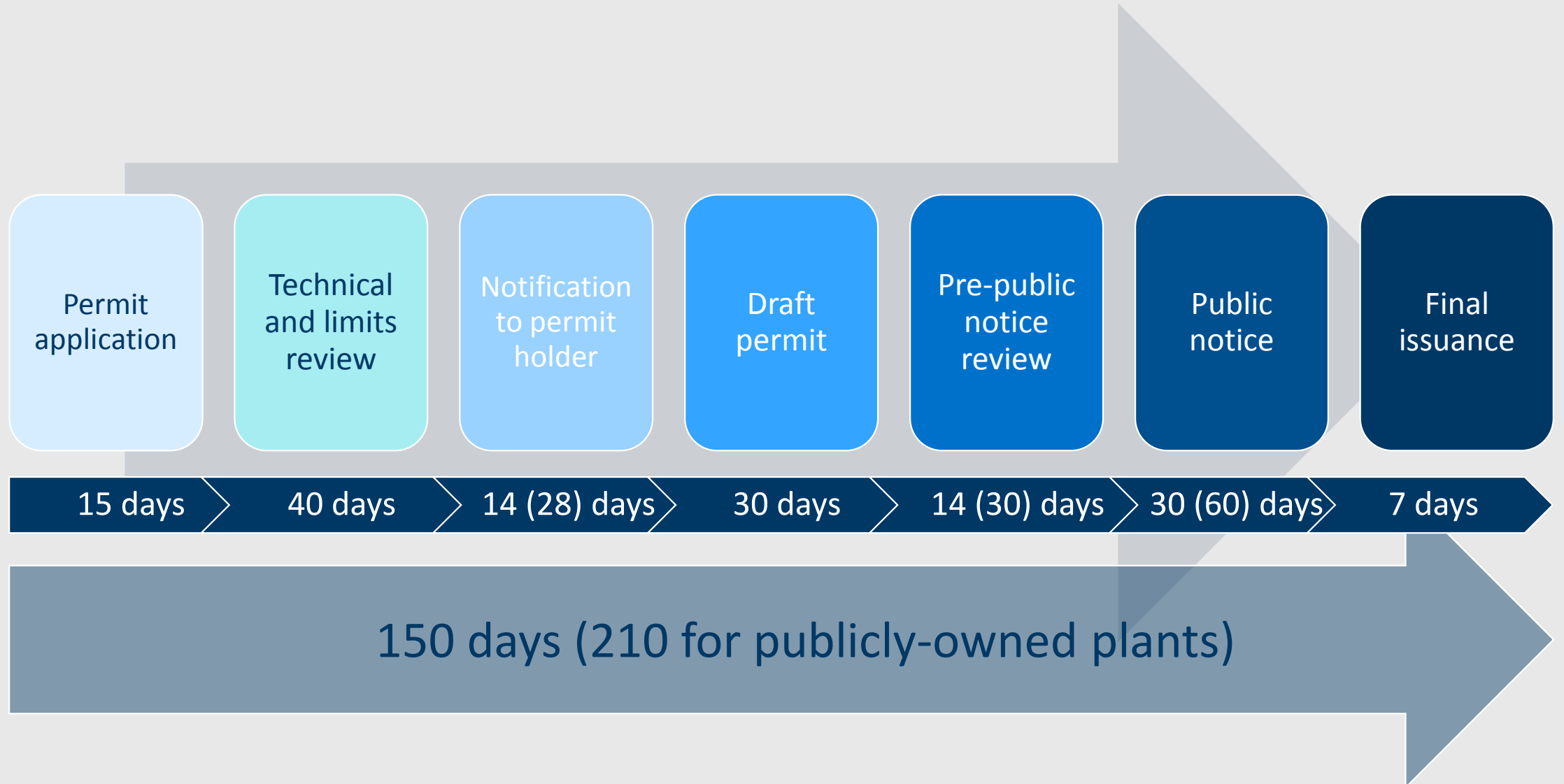
Final permit

- Final Agency decision
- Official start of permit requirements

30-day appeal period

- Minn. Stat. 14.63
- Must have expressed interest during public notice

How long does all this take?



Questions?



Minnesota Pollution Control Agency

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Legal challenges to River Eutrophication Standard (RES)

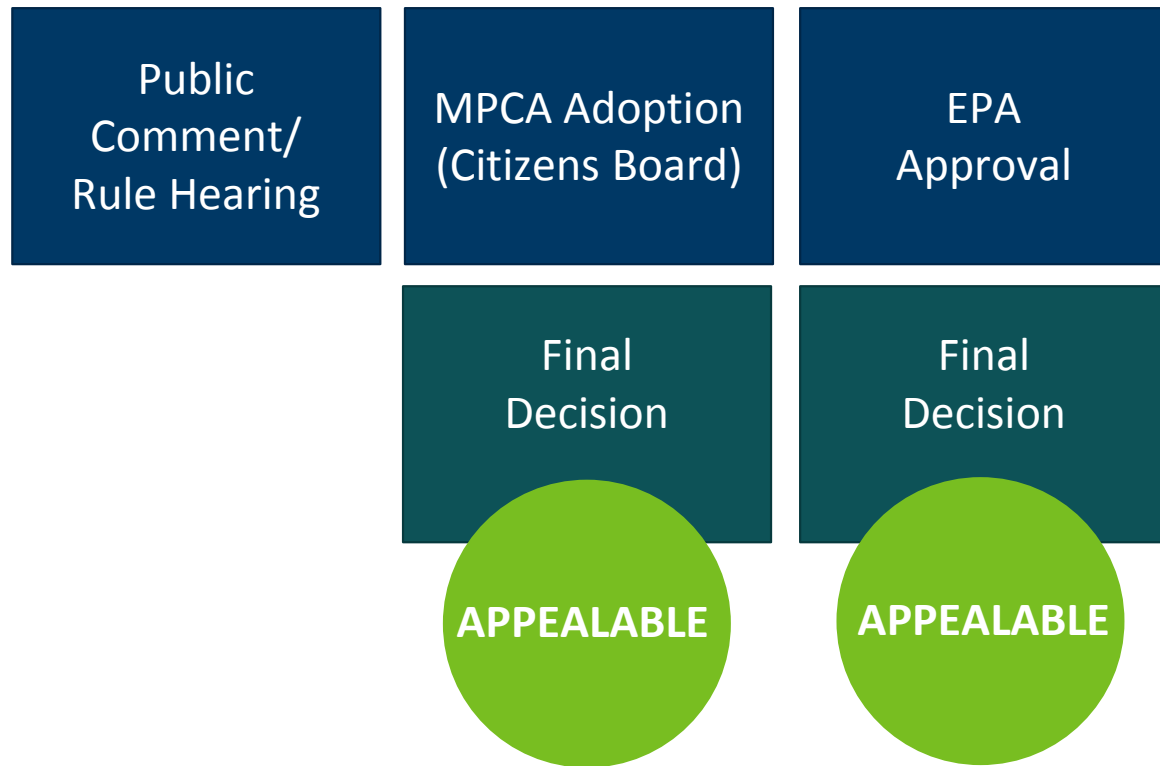
Jean Coleman

Associate Legal Counsel

Due process opportunities in RES adoption and implementation

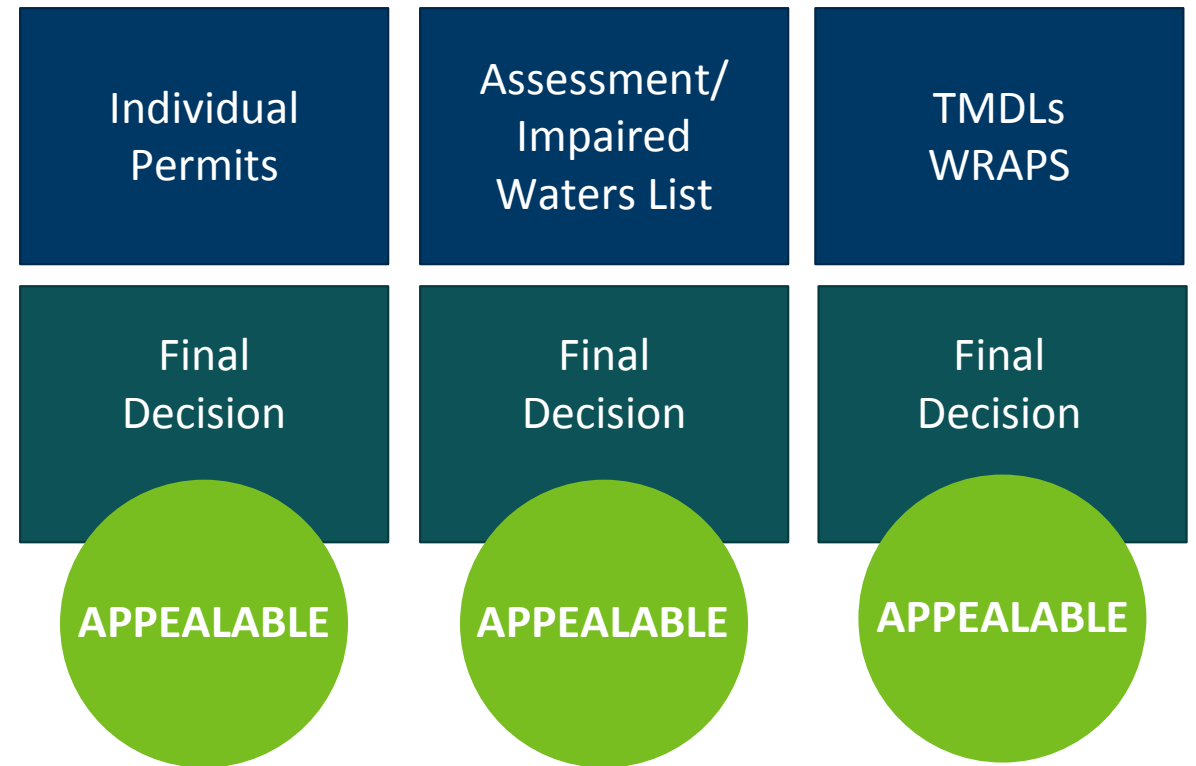
RES

Rule Adoption Process



RES

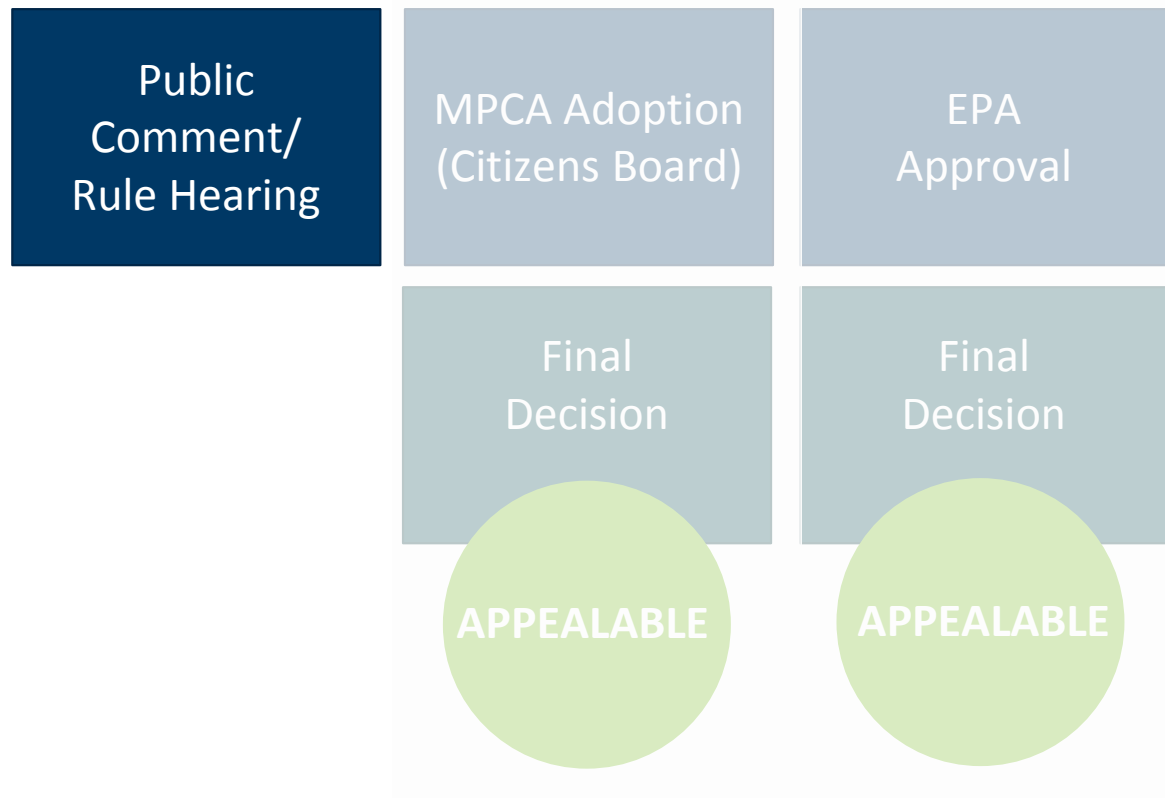
Rule Implementation



Rulemaking public comment opportunities

RES

Rule Adoption Process

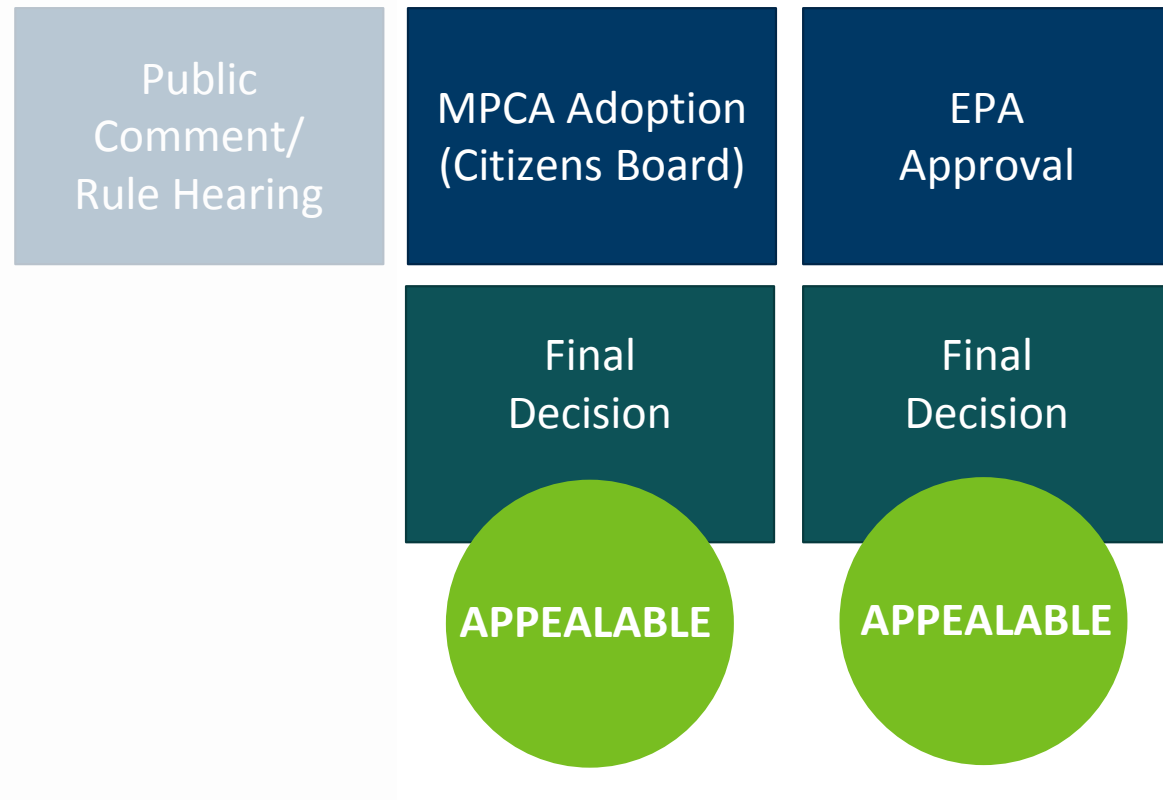


- Four pre-hearing comment periods over 6 years
- Testimony at rule hearing
- Extended post-hearing comment period
- 5/2/2014 Office of Administrative Hearings (OAH) Judge LeFave approves rule and recommends adoption

Appeals of final decisions in rule adoption process

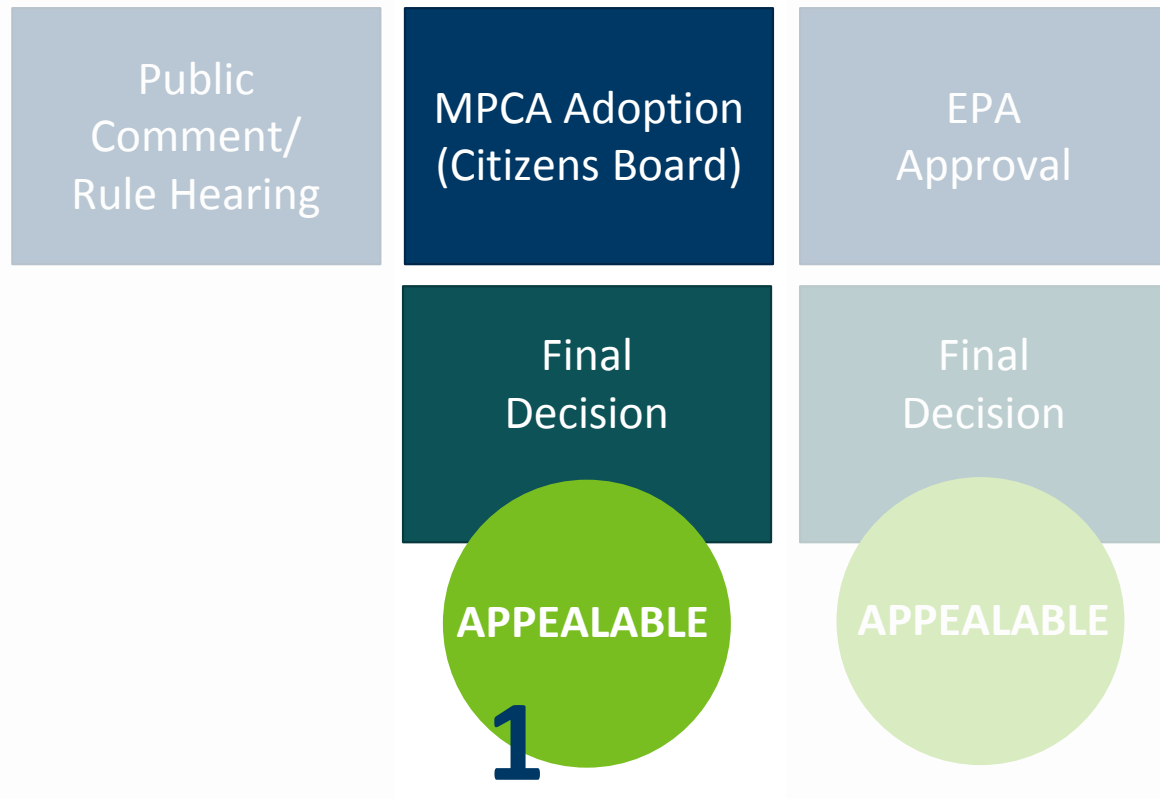
RES

Rule Adoption Process



Request to Citizens Board to reconsider approval

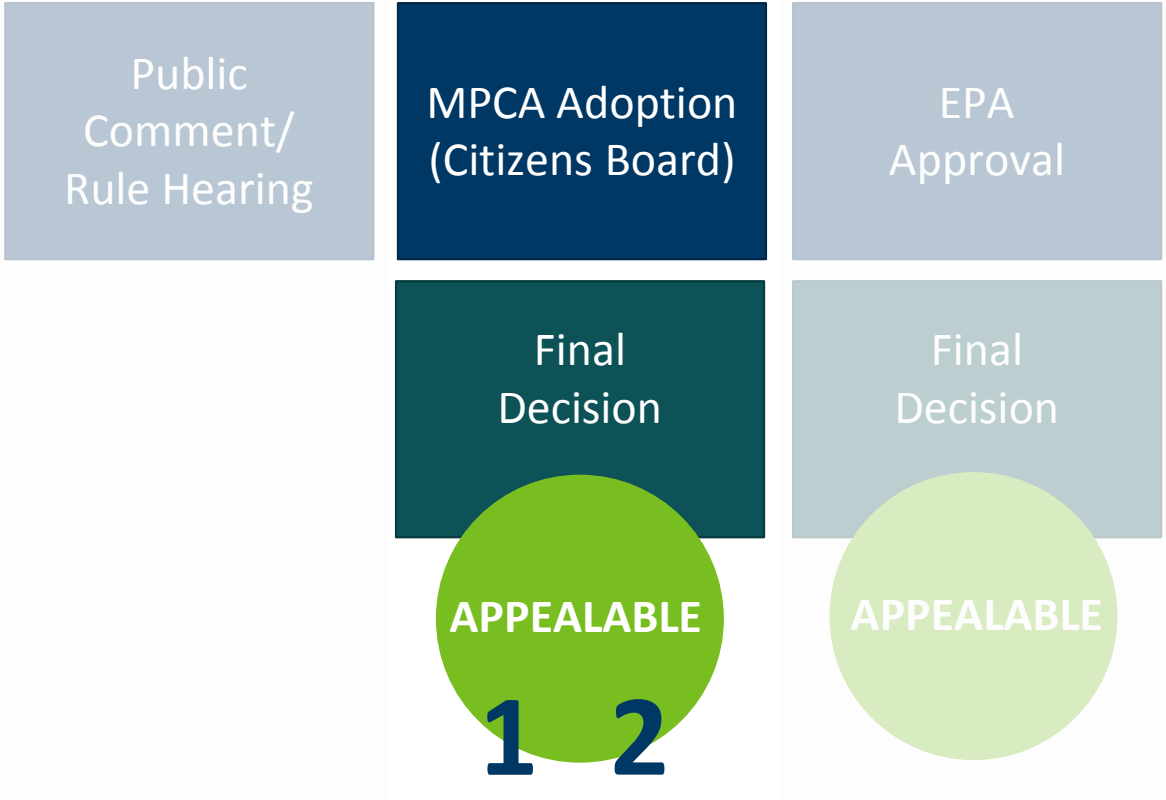
RES Rule Adoption Process



- 6/24/2014 MPCA Citizens Board public hearing
 - Testimony
 - Citizens Board approves adoption with one dissenting vote
- 7/3/2014 MESERB petitions Citizens Board to reconsider
- 7/22/2014 MPCA Citizens Board meeting to reconsider
 - Testimony
 - Citizens Board unanimous approval

M.S. 14.44 challenge to rule

RES Rule Adoption Process

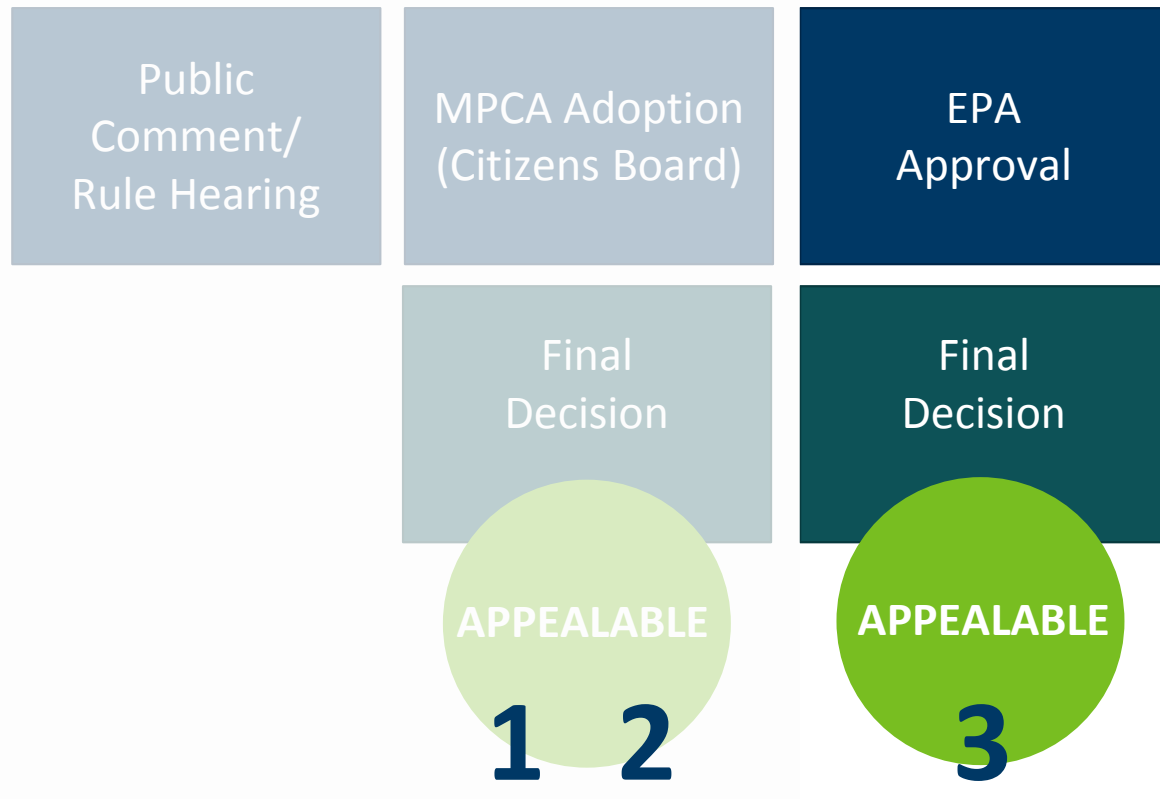


- 10/3/2014 MESERB v. MPCA - MN Court of Appeals
 - Minn. Stat. 14.44 - Challenge alleging MPCA did not adequately respond to comments
- 8/10/2015 MN Court of Appeals declares the RES valid
- Complete

Appeal of EPA final decision

RES

Rule Adoption Process

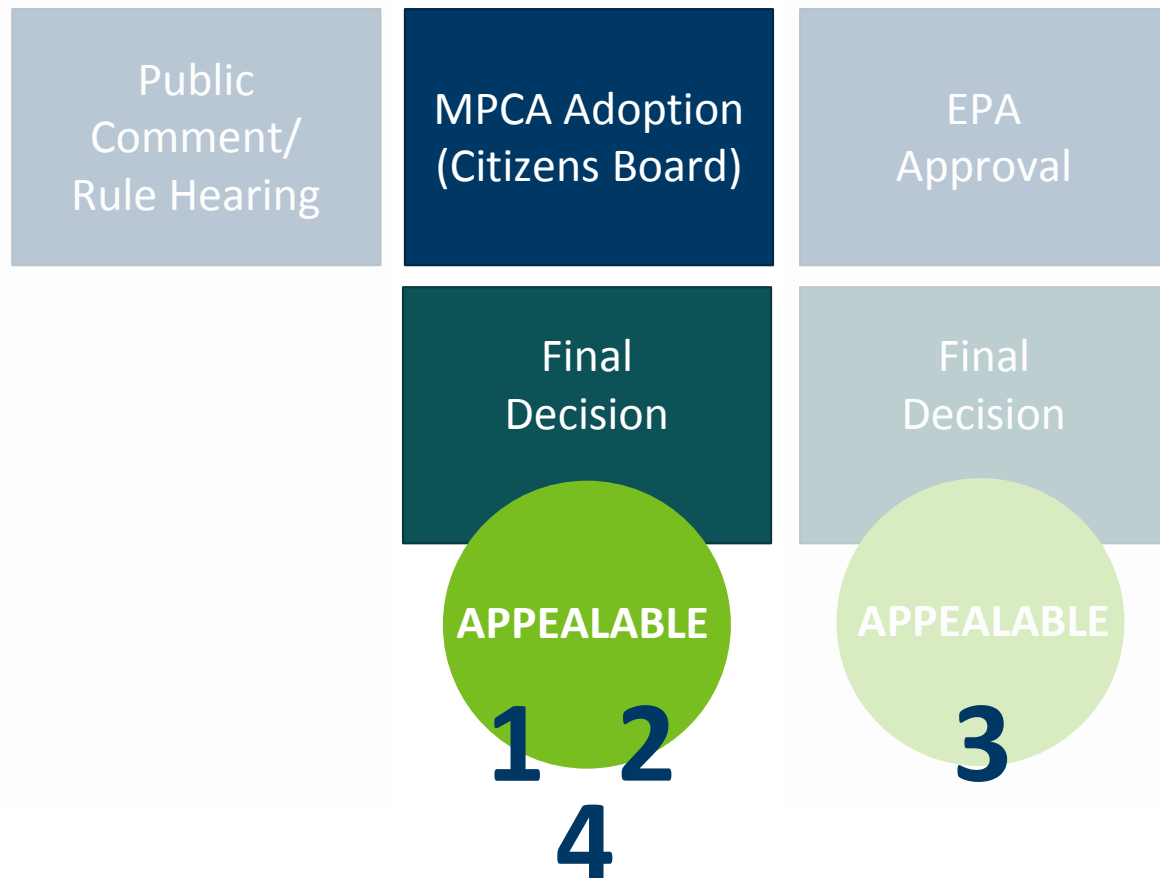


- 1/23/2015 EPA approval
- 7/12/2016 Center for Regulatory Reasonableness (CRR) v. EPA
 - Federal District Court
 - Pending

M.S. 14.091 petition to compel MPCA to amend rule

RES

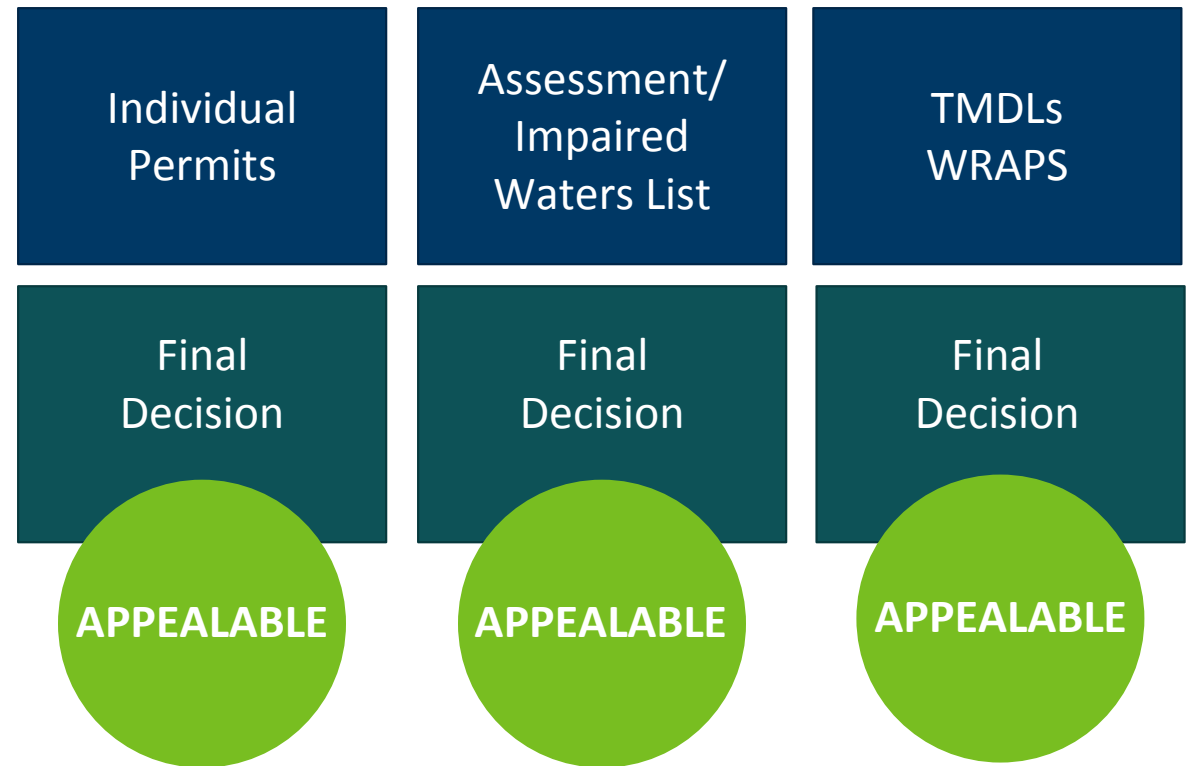
Rule Adoption Process



- 4/6/2016 City of Alexandria et al. v. MPCA
 - Request OAH to compel MPCA to amend the RES rule
 - 6/2/2016 Petition dismissed by OAH Judge Lipman
 - 7/28/2016 Dismissal appealed to MN Court of Appeals
 - Appeal put on hold pending outcome of CRR v. EPA federal suit

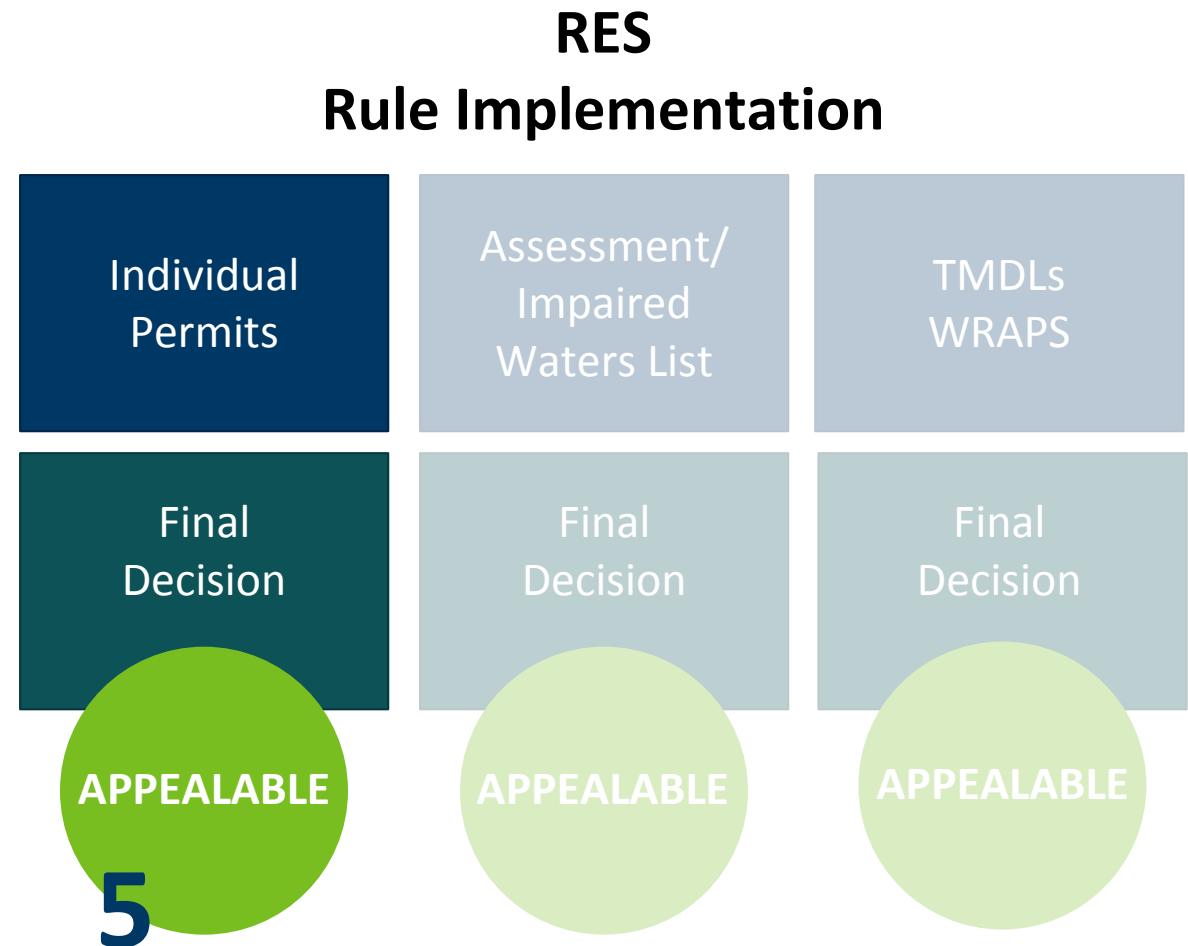
Challenges to final decisions in rule implementation

RES Rule Implementation



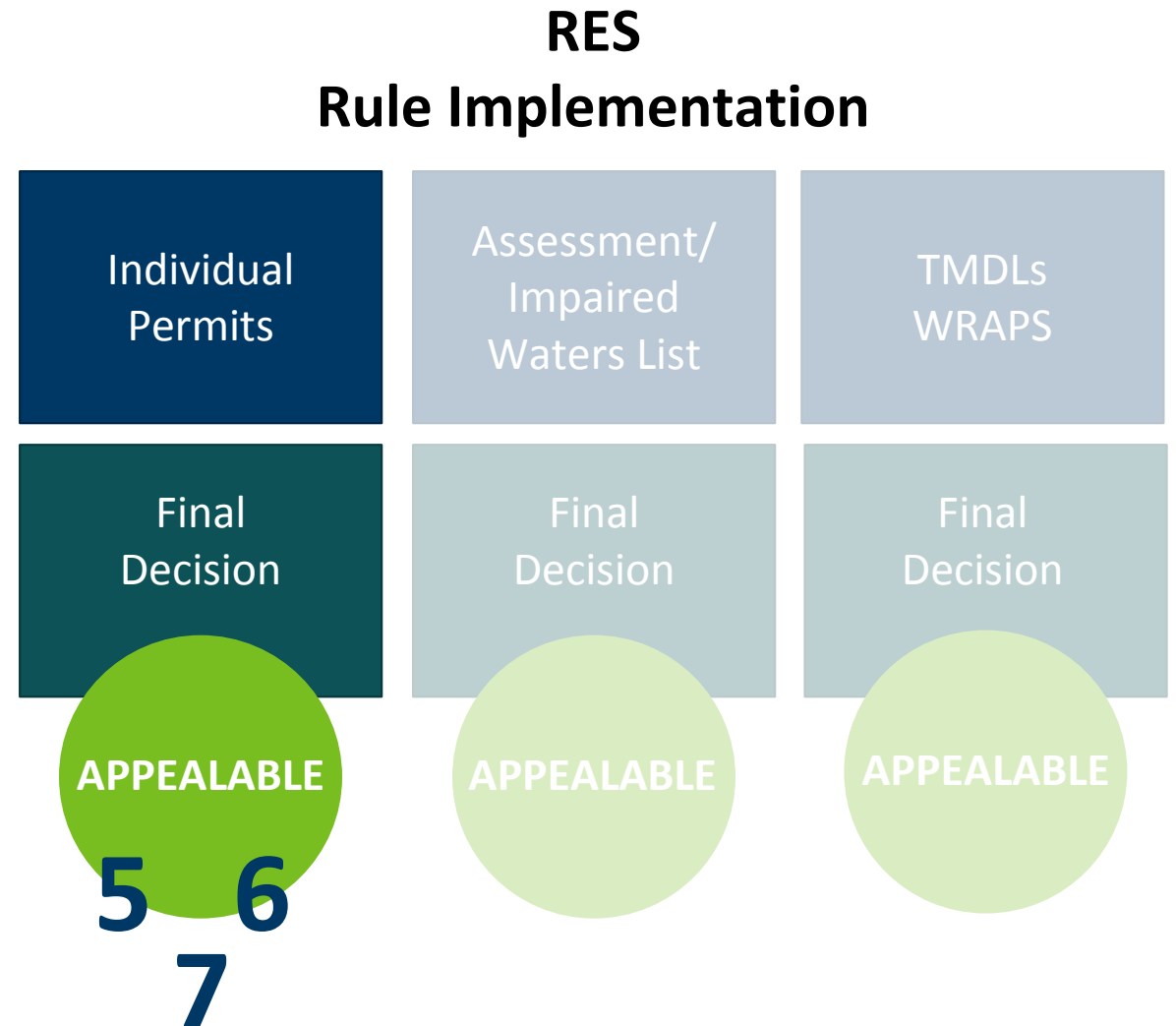
Judicial appeal of final individual permit decisions

- 5/23/2016 - MCEA v. Winsted and MPCA
 - 1/30/2017 MN Court of Appeals held - During the required analysis to determine if Winsted's WWTP discharge may cause or contribute to exceeding the RES, the MPCA can assign some phosphorus loading to nonpoint sources



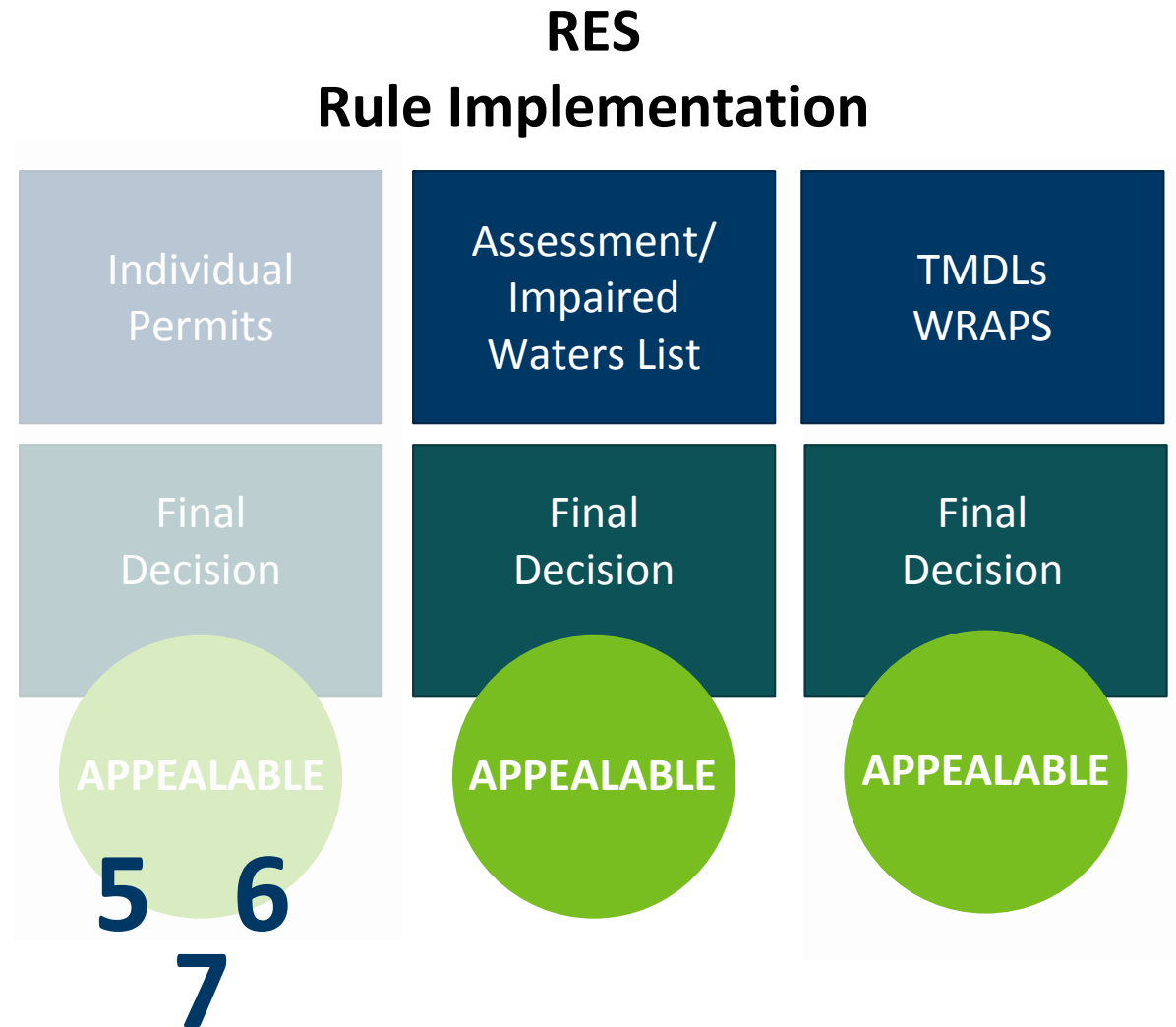
Challenges to final individual permit decisions

- Contested Case Hearing Requests (CCHR)
 - MRVPUC permit
 - City of Glencoe permit
 - Both under review by MPCA
- 2 pending petitions asking EPA to take away Minnesota's delegated authority to issue permits



Future appeals of listings on IWL/TMDLs/WRAPS

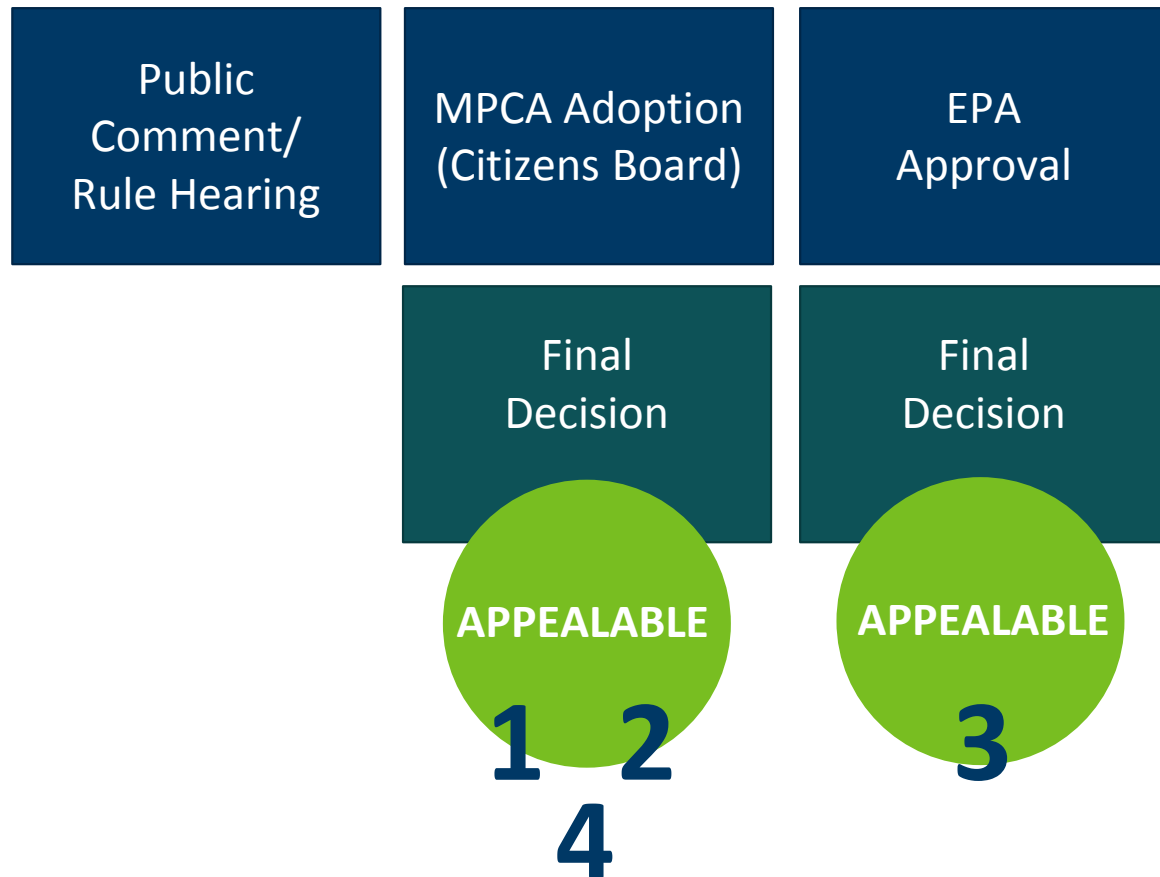
- 2016 draft impaired waters list will be finalized and can be appealed as a final agency action
- M.S. 114D.25 allows for CCHR on final Total Maximum Daily Load reports (TMDLs) and Watershed Restoration and Protection Strategies (WRAPS)



Due process opportunities in RES adoption and implementation

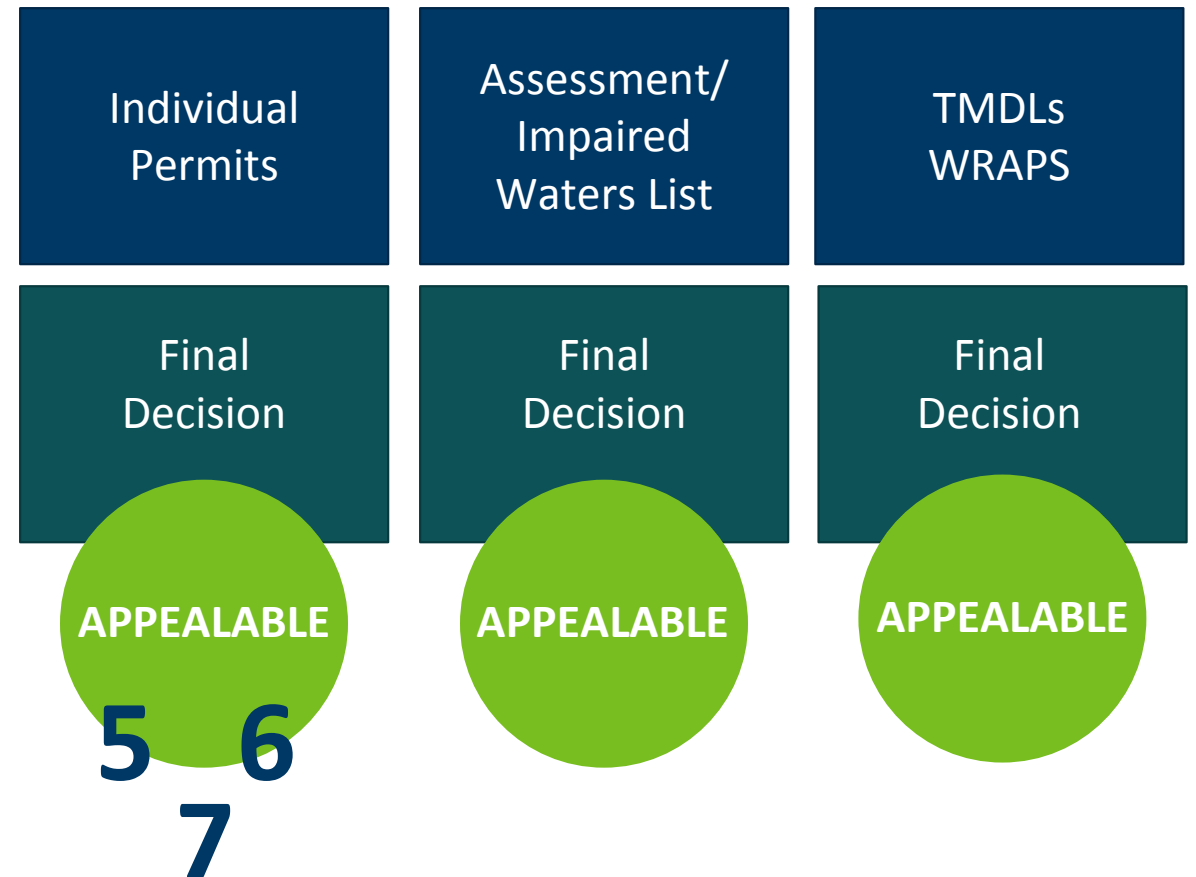
RES

Rule Adoption Process



RES

Rule Implementation



Questions?



Municipal wastewater plants are doing great work

- Wastewater treatment facilities have made tremendous strides
- Water quality based effluent limits consider the whole watershed
- Limits are based on a discharger's fair share
- Plant rehabilitation and upgrades are expensive
- Bonding and policy initiatives came from municipal listening sessions
- We are working together to figure out the best way to get to clean water